To whom it may concern:

It is my belief that the current proposed settlement between the DOJ and Microsoft is hardly a penalty consistent with the crime (past and present). This "slap on the hand" will only embolden Microsoft since it represents a surrender by the only entity capable of stopping it's illegal activity.

Of particular concern is the exclusion of Open Source projects and non-commercial not-for-profit entities

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "...(c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Section III(D) takes this disturbing trend even further. It deals with disclosure of information regarding the APIs for incorporating non-Microsoft "middleware." In this section, Microsoft discloses to Independent Software Vendors (ISVs), Independent Hardware Vendors (IHVs), Internet Access Providers (IAPs), Internet Content Providers (ICPs), and Original Equipment Manufacturers (OEMs) the information needed to inter-operate with Windows at this level. Yet, when we look in the footnotes at the legal definitions for these outfits, we find the definitions specify commercial concerns only.

Given the actions of Microsoft in the past that mandated this trial, and the fact that they continue to maintain that they DID NOTHING WRONG, do you believe that they will not use to the full extent the opening given to them (above) against their last competitor (The Open Source Community)?

I believe that the correct solution is to break up Microsoft into Operating-System and Application divisions. This would "open the playing field" for competition in applications, and encourage Microsoft to develop applications for other platforms. I believe that Microsoft would benefit from being split up. But unlike the current proposed solution, we (the general public) would benefit as well.

Thank you very much,

Scott Nichols